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May 23, 2025

VIA ECF

Hon. Jennifer L. Rochon
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Since the requested stay is on consent, see Dkt. 15, the Court GRANTS the request for a stay pending resolution of the objections to the R&R in 24-cv-06303 (MMG) (SDA). The parties shall file a joint status update either within a week of a decision regarding the R&R in that case or 90 days from the date of this order, whichever occurs first.

SO ORDERED.

Date: May 27, 2025

New York, New York

Jennifer Rochon
JENNIFER L. ROCHON
United States District Judge

Re: *Law Office of Phillippe Gerschel v. N.Y.C. Dep't of Educ.*, 25-cv-930(JLR)

Dear Judge Rochon:

I am Senior Counsel in the office of Corporation Counsel Muriel Goode-Trufant, attorney for Defendants in the above-referenced action.

I write to respectfully request that the Court stay Defendant's time to respond to the Complaint pending the resolution of *The Law Office of Philippe J. Gerschel v. N.Y.C. Dep't of Educ.*, 24-cv-6303(MMG)(SDA). Defendant sought Plaintiff's consent for the instant request, but did not receive a response.

The instant matter is one of four currently pending matters filed by Plaintiff seeking attorney's fees and costs in connection with administrative proceedings brought on behalf of students seeking to enforce Individual Education Service Plans ("IESPs"). Defendant contends that such actions are not subject to the IDEA's due process procedures, and that Plaintiff is therefore not entitled to shift fees pursuant to the IDEA's fee shifting provision. Defendant has filed a motion to dismiss in 24-cv-6303(MMG)(SDA), which the parties have fully briefed. On December 5, 2024, Magistrate Judge Aaron issued a Report and Recommendation in which he recommended that the Complaint be dismissed in its entirety. Plaintiff has objected, Defendant has responded, and Plaintiff has filed a further reply.

Separately, in 24-cv-7595(KPF) and 25-cv-0079(GHW), Judges Failla and Woods have issued stays similar to the one requested here. In doing so, Judge Failla noted that the matters involved "substantively identical claims with substantively identical legal issues." 24-cv-7595(KPF) (ECF No. 16, filed January 24, 2025).

Because the same issues exist in the instant matter, and because the resolution of 24-cv-

6303(MMG)(SDA) may result in the resolution of all the pending cases, Defendant respectfully requests that the instant matter be stayed pending that resolution. In the alternative, Defendant respectfully requests that this Court extend Defendant's time to respond to the Complaint in the instant matter by 30 days, to June 23, 2025.

Thank you for considering this submission.

Respectfully submitted,

/s/

Thomas Lindeman
Senior Counsel

cc: Leif Thorsten Simonsen, esq.(via ECF)